# 2001 DRAFTING REQUEST

# Senate Amendment (SA-SB55)

Receive	ed: <b>06/05/2001</b>		Received By: mdsida						
Wanted	: As time perm	its			Identical to LRB:				
For: Le	gislative Fiscal	Bureau 6-384	17		By/Representing:	Onsager			
This file	e may be shown	to any legislat	or: NO		Drafter: mdsida				
May Co	May Contact:				Addl. Drafters:				
Subject: Criminal Law - district attys Transportation - motor vehicles Criminal Law - miscellaneous				Extra Copies:	pjh arg rlr				
Submit	via email: NO								
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Pre To	pic:			· · · · · · · · · · · · · · · · · · ·	·				
LFB:	Onsager -								
Topic:							· <u> </u>		
Use of p	penalties for vel	nicle-related off	fenses; distri	ct attorney po	ositions				
Instruc	etions:								
See Atta	ached								
Draftin	ng History:		.,						
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required		
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/1		gilfokm 06/09/2001	pgreensl 06/06/200	01	lrb_docadmin 06/06/2001				
/2			jfrantze	<del></del>	lrb_docadmin				

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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/3			pgreensl 06/10/200	1	lrb_docadmin 06/10/2001		
/4	kenneda 06/10/2001	wjackson 06/10/2001	haugeca 06/10/200	1	lrb_docadmin 06/10/2001		
FE Sent I	For:						

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FE Sent For:

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FE Sent For:

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Senator Burke Representative Kaufert Representative Huber

#### DISTRICT ATTORNEYS

Vehicle Fines and Forfeitures and Additional Prosecutors

[LFB Paper #381]

Motion:

Move to provide that: (a) when the cumulative amount retained by a county for fines and forfeitures imposed by the courts under Chapters 341 through 347, 349 and 351 is equal to the amount retained by the county for such fines and forfeitures in 2000-01, the county must remit 100% of such fines and forfeitures that exceed the amount retained by the county in 2000-01 to the State Treasurer, who shall distribute 50% of these funds to the common school fund and 50% to a district attorney fines and forfeitures program revenue appropriation; and (b) create a district attorney fines and forfeitures program revenue appropriation that would receive these funds and provide that these funds could be used to support the costs of prosecutors.

In addition provide \$368,100 PR in 2001-02 and \$734,800 PR in 2002-03 and 14.55 PR assistant district attorney positions as follows: Brown (2.0), Chippewa (0.75), Columbia (1.0), Danc (1.85), Jefferson (0.5), Kenosha (1.0), Juneau (0.5), La Crosse (0.7), Manitowoc (1.0), Marathon (1.0), Outagamie (2.0), Rock (0.5), Sauk (0.5), and Winnebago (1.25). Provide that the 14.55 PR positions would begin January 1, 2002.

Note:

[Change to Base: \$1,102,900 PR, \$1,284,000 PR-REV and 14.55 PR positions] [Change to Bill: \$1,102,900 PR, \$1,284,000 PR-REV and 14.55 PR positions]

Passes W-2

Moore Shibliski Plache Wirch Darling Welch Gard Kaufert Albers Duff Ward Huebse Huber

MO#\_

Burke

Decker

Coggs

4,135 - cases



### State of Misconsin 2001 - 2002 LEGISLATURE

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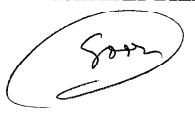
LRBb0595/20 MGD:<sub>N</sub>:....

LFB:.....Onsager – Use of penalties for vehicle–related offenses; district attorney positions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

#### LFB AMENDMENT

#### TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144



At the locations indicated, amend the bill as follows: 1 558 1. Page 4, line 2: after that line insert: SECTION. 20.475 (1) (g) of the statutes is created to read: 20.475 (1) (g) Fees from vehicle-related offenses. All moneys received from the state treasurer under s. 59.25 (3) (jm), for salaries and fringe benefits of district 5 attorneys and state employees of the office of the district attorney. **6** 2. Page, line : after that line insert: \* SECTION 1. 59.25 (3) (j) of the statutes is renumbered 59.25 (3) (j) 1. and amended to read: 59.25 (3) (j) 1. Retain 10% for fees in receiving and paying into the state 10 treasury all money received by the treasurer for the state for fines and penalties, 11

1	except that 50% of the state forfeitures, fines and penalties under chs. 341 to 347, 349
2	and 351 shall be retained as fees as provided in subd. 2., and retain the other fees
3	for receiving and paying money into the state treasury that are prescribed by law.
Histo 211, 237	ry: 1995 a. 201 ss. 266, 267, 269, 270, 284; 1995 a. 225 ss. 151 to 153; 1995 a. 227 s. 202; 1995 a. 269 s. 2; 1995 a. 408 s. 1; 1995 a. 448 s. 60; 1997 a. 27, 35, 135, 7, 248; 1999 a. 9, 32, 74; 1999 a. 150 s. 672.  SECTION: 59.25 (3) (j) 2. of the statutes is created to read:
5	59.25 (3) (j) 2. Retain the lesser of the following amounts as fees for receiving
6	and paying into the state treasury all money received by the treasurer for the state
7 8 (Ar	for forfeitures, fines, and penalties under chs. 341 to 347, 349, and 351:  \( \text{ACNOURTHEQUAL TO 50%} \)  a. \( \text{Mitty percent} \) of the forfeitures, fines, and penalties under chs. 341 to 347,
9	349, and 351.
L <b>0</b> :	b. The amount that the county treasurer retained under s. 59.25 (3) (j), 1999
L1	stats., as fees from state forfeitures, fines, and penalties under chs. 341 to 347, 349,
2	and 351 in the 2000–01 state fiscal year.
(3)	SECTION 59.25 (3) (jm) of the statutes is created to read:
L <b>4</b>	59.25 (3) (jm) If the amount under par. (j) 2. a. exceeds the amount under par.
15	(j) 2. b., forward the difference as fees to the state treasurer. The state treasurer shall
6	deposit all amounts received under this subdivision in the general fund and shall
7	credit them to the appropriation account under s. 20.475 (1) (g).

(END)

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb0595(?dp MGD:,,.....

date

The provisions in this amendment may violate Art. X, 2 of the Wisconsin constitution, which requires that the "clear proceeds of all fines" collected in criminal cases be deposited in the school fund. The Wisconsin Supreme Court has interpreted that phrase to mean the costs (or a reasonable estimate of the costs) that the county has incurred in prosecuting the cases in which those fines have been paid. State ex rel. Commissioners of Public Lands v. Anderson, 56 Wis. 2d 666, 669, 203 N.W.2d 84 (1973). Under this amendment, however, the fines are likely to be used for district attorney staff involved in other types of cases or for district attorney staff in other counties.

One way around this problem might be to change how money paid as forfeitures is treated. Nothing in Art X, 2 requires that the clear proceeds of forfeitures be deposited in the school fund, because forfeitures are civil, not criminal, penaltics. Therefore, money paid as forfeitures could be allocated between the counties, the appropriation for district attorney offices under s. 20.475 (1) (g), and the school fund.

Michael Dsida Legislative Attorney Phone: (608) 266–9867

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb0595/1dn MGD:jld.pg

June 6, 2001

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Michael Dsida Legislative Attorney Phone: (608) 266–9867



#### State of Misconsin 2001 - 2002 LEGISLATURE

LRBb0595/1) MGD:jldlpg

LFB:.....Onsager – Use of penalties for vehicle-related offenses; district attorney positions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

#### LFB AMENDMENT

#### TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144



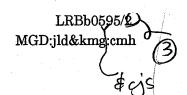
At the locations indicated, amend the bill as follows: 1 1. Page 558, line 3: after that line insert: 2 3 **"Section 781m.** 20.475 (1) (g) of the statutes is created to read: 20.475 (1) (g) Fees from vehicle-related offenses. All moneys received from the 4 state treasurer under s. 59.25 (3) (jm), for salaries and fringe benefits of district 5 attorneys and state employees of the office of the district attorney.". 6 **2.** Page 897, line 6: after that line insert: 7 "Section 1996f. 59.25 (3) (j) of the statutes is renumbered 59.25 (3) (j) 1. and 8 9 amended to read: 59.25 (3) (j) 1. Retain 10% for fees in receiving and paying into the state 10

treasury all money received by the treasurer for the state for fines and penalties,

during that fiscal year, the treasurer has already retained LRBb0595/1 2001 - 2002 Legislature MGD:ild:pg this subdivision amount equal to except that 50% of the state forfeitures, fines and penalties under chs. 341 to 347, 349 1 and 351 shall be retained as fees as provided in subd. 2., and retain the other fees 2 for receiving and paying money into the state treasury that are prescribed by law. 3 **Section 1996h.** 59.25 (3) (j) 2. of the statutes is created to read: 4 59.25 (3) (j) 2. Retain the less of the following amounts as fees for receiving 5 and paying into the state treasury all money received by the treasurer for the state 6 for forfeitures, fines, and penalties under chs. 341 to 347, 349, and 3510 unless An amount equal to 50% of the forfeitures, fines, and perfaltles hander the. 8 341 to 347, 349, and 351 use The amount that the county treasurer retained under s. 59.25 (3) (j), 1999 10 stats., as fees from state forfeitures, fines, and penalties under chs. 341 to 347, 349, times 11 and 351 in the 2000-01 state fiscal year. 12 **Section 1996i.** 59.25 (3) (jm) of the statutes is created to read: 13 59.25 (3) (jm) If the amount under par (j) 2. a exceeds the amount under par 14 Manu forward the difference as fees to the state treasurer. The state treasurer shall 15 deposit all amounts received under this paragraph in the general fund and shall 16 credit them to the appropriation account under s. 20.475 (1) (g).". 17 18 (END) all money received by the treasurer for the state for forfeitures, fines, cand penalties under cho. 341 to 347, 349, and 351 of, during that fiscal year, the treasurer has already retained under par - (j) 2. an amount equal to



### State of Misconsin 2001 - 2002 LEGISLATURE



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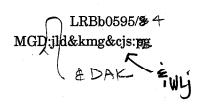
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# STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU – LEGAL SECTION (608–266–3561)

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# State of Misconsin 2001 - 2002 LEGISLATURE



LFB:.....Onsager - Use of penalties for vehicle-related offenses; district attorney positions

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